

## CHAPTER 102.

## DISTRICT ATTORNEYS.

AN ACT providing for the election of District Attorneys, prescribing their duties and fixing their compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there shall be elected by the qualified electors of each Judicial District on the second Tuesday in October, eighteen hundred and fifty-eight, and every four years thereafter, one District Attorney, who shall hold his office for four years, and until his successor is elected and qualified, and shall be qualified by the Governor.

Elected in 1958.

Term of office.

SEC. 2. The manner of conducting said election, the return and canvass thereof, as also the manner of proceeding in case of contest, shall be the same as may be provided by law in relation to other State officers.—*Provided*, That the Governor and Lieutenant Governor shall not for the purposes of this Act be deemed State officers.

Conducting election and canvass

SEC. 3. It shall be the duty of the District Attorney to appear for the State and several counties comprising his District in all matters in which the State or any such county may be a party or interested, in the District Court of his District, before any Judge, on a writ of habeas corpus sued out by a person charged or convicted of a public offense, the prosecution being in his District. He shall in any of the above proceedings taken from his District to the Supreme Court, furnish to the Attorney General a brief containing the substance of such proceeding, and the questions therein involved, on or before the day in the term of the Supreme Court at which such proceeding is set for hearing in that Court. He shall also appear for the State or any county in any proceedings brought to his District from any other on change of venue, and he is authorized when he deems it advisable, to appear before justices of the peace in the initiatory proceedings in criminal cases. *Provided*, That nothing herein contained shall prevent the County Judge whenever he may deem it necessary from employing

Duty to appear for State.

Furnish abstract of proceedings to Att'y Gen'l.

Further appears for State.

Other counsel may be employed.

an Attorney to appear to prosecute or defend in any case properly belonging to the duties of the District Attorney.

Opinion in writing.

SEC. 4. The District Attorney shall, when requested, give his opinion in writing, without fee, upon all questions of law submitted to him by any county officer within his District, and which has reference to the official duty of such officer, and whenever requested by any such officer he shall prepare proper drafts for contracts, forms and other writings which may be wanted for the use of any county in his District, and he shall file in his office and preserve a copy of his opinions thus furnished.

Drafts for contracts.

Moneys paid over.

SEC. 5. All moneys received by the District Attorney belonging to the people of the State or any county, shall immediately upon the receipt thereof be paid by him to the officer who by law is entitled to the custody thereof.

Qualifies by taking oath.

SEC. 6. Before entering upon the duties of his office, he shall take and subscribe an oath that he will support the Constitution of the United States and of this State, that he will faithfully and impartially discharge the duties of his office, and shall execute to the State of Iowa a bond with good and sufficient sureties in the penal sum of ten thousand dollars, to be approved by the Judge of the District Court of his District, conditioned for the faithful discharge of his duties and the paying over of all moneys as provided in this Act, which bond shall be filed in the office of the Secretary of State, and said bond shall be renewed in a larger penal sum and with additional sureties whenever required by the District Judge of the proper Judicial District; such bond shall inure to and be for the benefit of the people of the State or any county or fund injured by a breach in the conditions thereof.

Bond executed.

Enters upon duty.

SEC. 7. The District Attorneys elected under the provisions of this Act, shall enter upon the discharge of their duties on the first day of January next succeeding their election. Should there be a failure in this respect, from any cause whatever, the office shall be deemed vacant.

SEC. 8. Should a vacancy occur in the office of District Attorney at any time from any cause whatever, the vacancy thus occurring shall be filled by the Governor by appointment, and the person so appointed shall hold said office until the next general election, when a successor shall be elected to fill the remainder of said unexpired term and until his successor is elected and qualified. And where any term or terms of the District Court are holden between the day of election of District Attorney and the first day of January, A. D. 1859, the present Prosecuting Attorney shall appear and prosecute on the part of the State.

Vacancy.

Filled by Governor.

Pros. Atty appears.

SEC. 9. The several District Attorneys shall receive for their services each the sum of eight hundred dollars per annum out of the State Treasury, to be audited and paid as the salaries of other State officers.

Salary.

SEC. 10. In addition to the above salary, he shall receive for every conviction procured by him during his term of service, for a misdemeanor five dollars, for a felony ten dollars, such fees to be allowed and paid by the County Judge in each county in which the cause originated.

Fees for conviction.

SEC. 11. In case of conviction contemplated in the preceding section, the following fees shall be taxed against the defendant, to-wit: In case of a misdemeanor five dollars; in case of felony ten dollars, which shall be collected by the District Clerk and paid into the county Treasury.

Fees collected from defendant.

Approved March 22d, 1858.

## CHAPTER 103.

### COUNTY RECORDS.

AN ACT in relation to County Records.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the county judge of any organ-